

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

<p>EUGENE JOHNSON a/k/a GENE JOHNSON a/k/a OLLIE JOHNSON, JEFFREY JOHNSON, JACKIE JOHNSON, each individually and jointly and severally d/b/a S.O.H. VENDING AND CATERING, S.O.H. AND JOHNSON SERVICE, and S.O.H., S.O.H. VENDING AND CATERING, S.O.H. AND JOHNSON SERVICE, S.O.H.</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>HARTFORD FIRE INSURANCE COMPANY, and KEVIN ANDERSON and JAMIE ANDERSON</p> <p style="text-align: center;">Defendant.</p>	<p>CIVIL ACTION FILE</p> <p>NO.</p> <p>JURY TRIAL DEMANDED</p>
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NOTICE OF REMOVAL

Defendant Hartford Fire Insurance Company, by and through the undersigned counsel, pursuant to 28 U.S.C. §§ 1441, 1446, and 1332, hereby files this Notice of Removal of the above-styled action from the Chancery Court for Fayette County, Twenty-Fifth Judicial District of Tennessee, to the United States District Court for the Western District of Tennessee, respectfully showing this Honorable Court as follows:

1.

Pursuant to 28 U.S.C. § 1446(a), Defendant has attached all process, pleadings, and other documents served upon Defendant in the State Court Action to this Notice for Removal. (*See* Exhibit 1).

2.

Pursuant to 28 U.S.C. § 1332, the Court has jurisdiction over this action because there should be complete diversity of citizenship between Plaintiff and the Defendant. (*See* Defendant's Motion to Re-Align Parties, attached hereto as Exhibit 2).

3.

Plaintiffs Eugene Johnson, Jeffrey Johnson, and Jackie Johnson are residents of the State of Tennessee. Plaintiffs doing business as S.O.H Vending and Catering, S.O.H. and Johnson Service, and S.O.H, S.O.H. Vending and Catering, S.O.H and Johnson Service, S.O.H. are alleged to be partnerships organized and operating in the State of Tennessee with its principal place of business at 175 Kylie Gayle Drive, Oakland, Fayette County, Tennessee.

4.

Defendant Hartford Fire Insurance Company (hereinafter referred to as "Hartford") currently is a Connecticut corporation with its principal place of business also in Connecticut. Therefore, Hartford was and currently is a citizen of Connecticut. Defendant's principal place of business is located at 1 Hartford Plaza, Hartford, Connecticut, 06155.

5.

Defendants Kevin Anderson and Jamie Anderson are the plaintiffs in an underlying tort lawsuit styled as Kevin Anderson and Jamie Anderson v. Eugene Johnson a/k/a Gene Johnson a/k/a Ollie Johnson, Jeffery Johnson, Jackie Johnson, each individually and jointly and severally d/b/a S.O.H. Vending and Catering, S.O.H. and Johnson Service, and S.O.H., S.O.H. Vending and Catering, S.O.H. and Johnson Service, S.O.H., John Doe, and XYZ Corporation claiming damages in Fayette County, Tennessee Circuit Court #17-CV-20 and were joined by the Plaintiffs in this action to protect their interest, if any, pursuant to T.C.A. § 29-14-107. Kevin and Jamie Anderson

are residents of the State of Tennessee. It is contested that Defendants Kevin and Jamie Anderson are properly aligned as Defendants in this matter. (*See* Defendant Hartford’s Motion to Re-Align Parties).

6.

On March 10, 2020, Plaintiffs filed their Complaint in the Chancery Court of Fayette County, Twenty-Fifth Judicial District of Tennessee, styled as *Eugene Johnson a/k/a Gene Johnson, a/k/a Ollie Johnson, each individually and severally d/b/a S.O.H. Vending and Catering, S.O.H. and Johnson Service, and S.O.H., S.O.H. Vending and Catering, S.O.H. and Johnson Service, S.O.H. v Hartford Fire Insurance Company, and Kevin Anderson and Jamie Anderson*, Civil Action No. 17911 (the “State Court Action”). (*See* Complaint, attached as Exhibit 1.)

7.

In their Complaint, Plaintiffs pray for the Court to find Defendant Hartford liable to pay all sums for the defense of Plaintiffs with respect to the claims presented in the underlying third-party lawsuit pending in Fayette County Circuit Court #17-CV-20 and to pay all sums necessary to fully indemnify Plaintiffs for any damages, costs, or expenses that Plaintiffs are required to pay with respect to the claims presented in the pending underlying third-party lawsuit. The Plaintiffs allege compensatory damages of \$11,000,000.00 and punitive damages in the sum of \$15,000,000.00 which is in excess of \$100,000.00. (*See* Underlying Complaint, Fayette County Circuit Court # 17-CV-20, attached hereto as Exhibit 3).

8.

Diversity of parties exists as the named Defendants Kevin and Jamie Anderson are not properly aligned and the amount in controversy exceeds \$75,000.00 in this case. Consequently, diversity jurisdiction exists in this case pursuant to 28 U.S.C. § 1332(a). Defendant Hartford,

therefore, removes this matter from the Chancery Court for Fayette County, Twenty-Fifth Judicial District of Tennessee, to the United States District Court for the Western District of Tennessee.

9.

Pursuant to 28 U.S.C. § 1446(d), Defendant Hartford hereby certifies that they have notified all adverse parties of this Notice of Removal in the State Court Action by filing a “Notice of Filing Notice of Removal” attaching a copy of this “Notice of Removal” with the Clerk of the Chancery Court for Fayette County, Twenty-Fifth Judicial District of Tennessee, which will send notifications of same to all counsel/parties and by mailing a copy to Plaintiffs’ counsel and improperly named Defendants Kevin and Jamie Anderson via Certified Mail, Return Receipt Requested. (*See* Notice of Filing Notice of Removal, attached as Exhibit 4).

WHEREFORE, Defendant Hartford respectfully requests that the United States District Court for the Western District of Tennessee effectuate the removal of this case.

Respectfully submitted, this 14th day of April, 2020.

**WILSON, ELSER, MOSKOWITZ,
EDELMAN AND DICKER, LLP**

/s/ James M. Burd

James M. Burd
TN Bar No.034940

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**IN THE UNITED STATES DISTRICT COURT
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EUGENE JOHNSON a/k/a GENE
JOHNSON a/k/a OLLIE JOHNSON,
JEFFREY JOHNSON, JACKIE JOHNSON,
each individually and jointly and severally
d/b/a S.O.H. VENDING AND CATERING,
S.O.H. AND JOHNSON SERVICE, and
S.O.H., S.O.H. VENDING AND
CATERING, S.O.H. AND JOHNSON
SERVICE, S.O.H.

Plaintiffs,

v.

HARTFORD FIRE INSURANCE
COMPANY, and KEVIN ANDERSON and
JAMIE ANDERSON

Defendant.

CIVIL ACTION FILE

NO.

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **NOTICE OF REMOVAL** was electronically filed with the Court using the CM/ECF system and was served by Certified Mail, Return Receipt Requested, to the address below:

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HEATON AND MOORE, P.C.
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Co-Defendants

John R. Holton
THE HOLTON LAW FIRM, PLLC
296 Washington Ave.
Memphis, TN 38103
Counsel for Co-Defendants in Underlying Suit

Respectfully submitted this 14th of April, 2020.

/s/ James M. Burd
James M. Burd